



Wichita-Sedgwick County Metropolitan Area Planning Department

December 5, 2014

Elma D. Johnson
745 Eisenhower
Wichita, KS 67212

RE: BZA2014-00068 – City Variance request to reduce the Zoning Code required front setback from 25 to 15 feet, 6 inches for an attached garage addition in SF-5 Single-family Residential zoning, generally Located between I-235 and the Big Ditch, north of Central Avenue on the west side of Eisenhower Avenue (745 N Eisenhower.)

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **December 4, 2014**. This resolution reflects the official action of the Board, it is forwarded for your information and files.

If you have any questions concerning this matter, please call our office at 268-4421.

Sincerely,

Derrick Slocum
Asst. BZA Secretary

cc: Tom Stolz, MABCD
Mike Gable, MABCD
JR Cox, MABCD
Jeff Longwell, WCC V CM
Martha Sanchez, NA V

BZA RESOLUTION NO. BZA2014-00068

WHEREAS, Elma D. Johnson (owner), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance of the Zoning Code to reduce the Zoning Code required front setback from 25 to 15 feet, 6 inches for an attached garage addition; generally between I-235 and the Big Ditch, north of Central Avenue on the west side of Eisenhower Avenue (745 N Eisenhower.).

Legal Description:

East half of lot 4, Block A, West Central Gardens Addition to Wichita, Sedgwick County, Kansas.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of December 4, 2014, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that this property is unique in that this segment of Eisenhower Avenue has a larger than normal right-of-way. Fifteen feet of right-of-way exists between the Eisenhower Avenue curb and the applicant's property line, leaving 31 feet, adequate separation, between the attached structure and the paved street. Most SF-5 zoned neighborhoods have 10 feet or less of right-of-way between the property line and paved street. The distance between the property line and paved curb, allows for more than adequate separation between buildings and the street.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance for a street side setback reduction would not adversely affect the rights of adjacent property owners. The proposed setback reduction would not hinder visibility up and down Eisenhower Avenue for adjacent property owners and would not negatively impact adjacent properties. The existing landscaping along the north property line screens the addition from the most possibly affected properties to the north.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the code would constitute a hardship upon the applicant. Without the requested front setback variance, the applicants could not feasibly improve the property with a garage and the security of having the garage attached to the principal structure.

WHEREAS, the Board of Zoning Appeals has found that the requested variance for a setback reduction will not adversely affect the public interest, as further improving this property is in the public interest, and the requested variance will have no impact on the public right of way and vehicular or pedestrian circulation.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance for a setback reduction does not oppose the general spirit and intent of the Zoning Code. Front building setbacks are

intended to ensure separation between structures and the public right of way. Adequate separation between the attached structure and the street will be maintained.

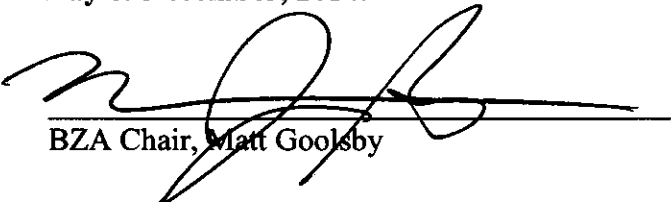
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, are found to be present for a variance to be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, a variance of the Zoning Code to reduce the Zoning Code required front setback from 25 to 15 feet, 6 inches for an attached garage addition; generally between I-235 and the Big Ditch, north of Central Avenue on the west side of Eisenhower Avenue (745 N Eisenhower.).

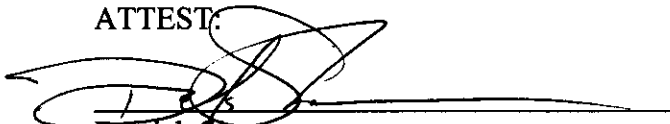
The variance is hereby GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan.
2. The front setback reduction shall apply only to the attached garage as shown on the site plan. Any future buildings on this site shall conform to Zoning Code required setbacks unless a separate Administrative Adjustment or Variance is approved.
3. The addition shall meet building code, fire code and all other applicable code requirements. The applicant shall obtain all permits necessary to build the structure within one year of variance approval, unless such time is extended by the BZA.
4. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

ADOPTED AT WICHITA, KANSAS, this 4th Day of December, 2014.


BZA Chair, Matt Goolsby

ATTEST:


Derrick Stocum

Asst. BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2014-00068

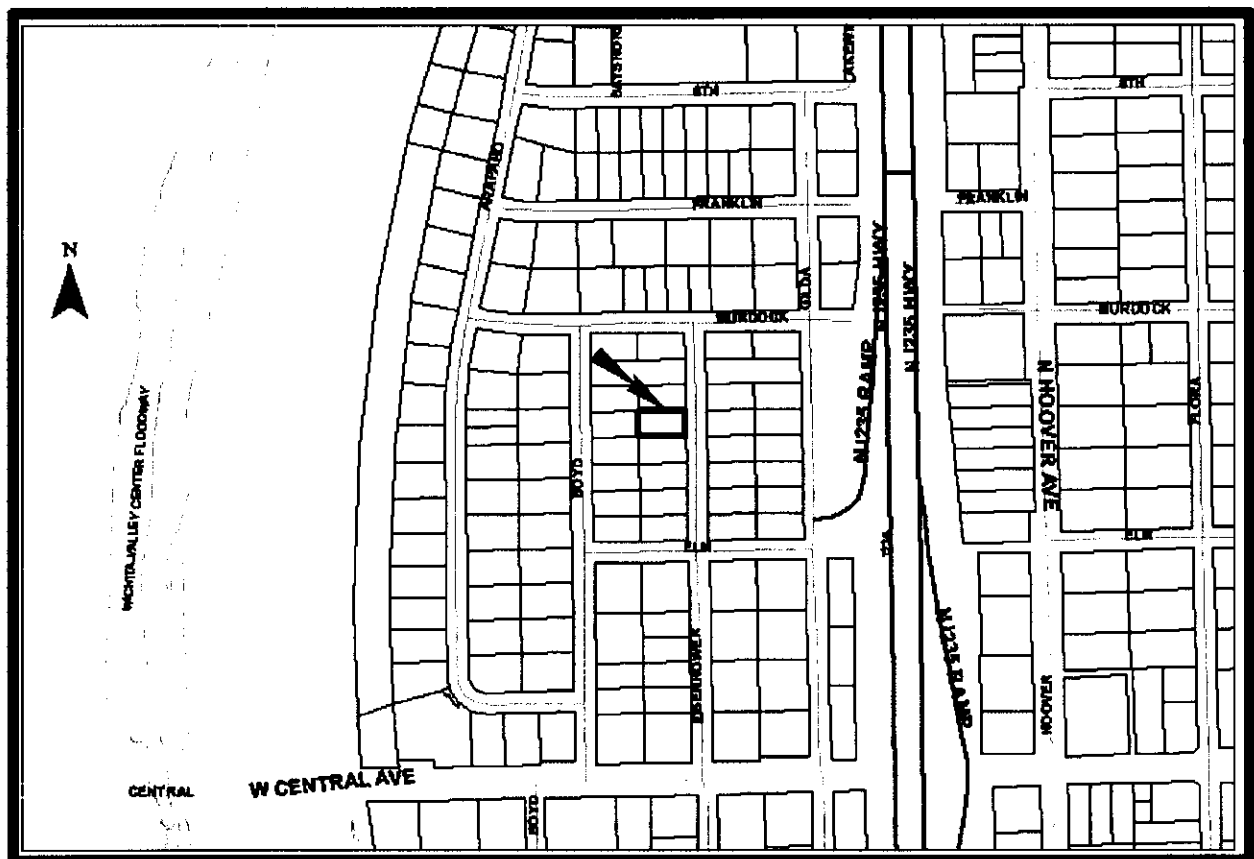
APPLICANT/AGENT: Elma D. Johnson (owner)

REQUEST: City Variance request to reduce the Zoning Code required front setback from 25 to 15 feet, 6 inches for an attached garage addition.

CURRENT ZONING: SF-5 Single-family Residential (SF-5)

SITE SIZE: .23 acres

LOCATION: Located between I-235 and the Big Ditch, north of Central Avenue on the west side of Eisenhower Avenue (745 N Eisenhower.)



JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five conditions, as required by State Statutes, are found to exist.

BACKGROUND: The applicant requests a variance to reduce the Unified Zoning Code (UZC) front setback requirement in SF-5 Single-family residential zoning from 25 feet to 15 feet, 6 inches for an attached garage; see the attached site plan. The UZC requires a minimum front setback of 25 feet in the SF-5 zoning district. The UZC does allow an administrative adjustment to reduce a front setback by up to 20% (or five feet in this case) when the Code criteria for zoning adjustments are met, however, anything greater than the 20% reduction would require a variance. The N. Eisenhower Avenue right of way is 15 feet containing grass and trees, between the subject property's east (front) property line and the paved curb; no sidewalk exists adjacent to the site. The site is within the West Central Gardens Addition which platted 30 foot front setbacks along Eisenhower. The applicant vacated 15 feet of the platted 30 foot setback on the property, re-establishing the setback at 25 feet, the front setback permitted under the UZC (VAC2014-00031). The application area is developed with a single-family residence and the attached garage on the site has been built 9 feet, 6 inches into the 25-foot setback from the front property line. The applicant requests approval of the variance to allow the location of the existing attached garage.

All immediately surrounding properties are zoned SF-5 Single-family Residential and developed with single-family residences. N. Eisenhower Avenue is a paved local street with a 60 foot right of way at this location.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residence
SOUTH:	SF-5	Single-family residence
EAST:	SF-5	Single-family residence
WEST:	SF-5	Single-family residence

The five criteria necessary for approval as they apply to the requested variance.

UNIQUENESS: It is staff's opinion that this property is unique in that this segment of Eisenhower Avenue has a larger than normal right-of-way. Fifteen feet of right-of-way exists between the Eisenhower Avenue curb and the applicant's property line, leaving 31 feet, adequate separation, between the attached structure and the paved street. Most SF-5 zoned neighborhoods have 10 feet or less of right-of-way between the property line and paved street. The distance between the property line and paved curb, allows for more than adequate separation between buildings and the street.

ADJACENT PROPERTY: It is staff's opinion that granting the requested variance would not adversely affect the rights of adjacent property owners. The proposed setback reduction would not hinder visibility up and down Eisenhower Avenue for adjacent property owners and would not negatively impact adjacent properties. The existing landscaping along the north property line screens the addition from the most possibly affected properties to the north.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the code would constitute a hardship upon the applicants. Without the requested front setback variance, the applicants could not feasibly improve the property with a garage and the security of having the garage attached to the principal structure.

PUBLIC INTEREST: It is staff's opinion that the requested variance for a setback reduction will not adversely affect the public interest, as further improving this property is in the public interest, and the requested variance will have no impact on the public right of way and vehicular or pedestrian circulation.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for a setback reduction does not oppose the general spirit and intent of the Zoning Code. Front building setbacks are intended to ensure separation between structures and the public right of way. Adequate separation between the attached structure and the street will be maintained.

RECOMMENDATION: It is staff's opinion that the requested variance of the Zoning Code to reduce the front setback requirement from 25 feet to 15 feet, 6 inches is appropriate for this site. Should the Board determine that the criteria necessary to grant a variance exists, the Secretary recommends that the variance be GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan.
2. The front setback reduction shall apply only to the attached garage as shown on the site plan. Any future buildings on this site shall conform to Zoning Code required setbacks unless a separate Administrative Adjustment or Variance is approved.
3. The addition shall meet building code, fire code and all other applicable code requirements. The applicant shall obtain all permits necessary to build the structure within one year of variance approval, unless such time is extended by the BZA.
4. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

